

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

In re:	:	
	:	
MICROFIBRES, INC.	:	Bk. No. 16-10154
	:	Chapter 7
	:	

CHAPTER 7 TRUSTEE’S OBJECTION TO CLAIM NO. 158
OF BE CAPITAL MANAGEMENT FUND

Joseph M. DiOrio, Chapter 7 trustee (the “Trustee”) of Microfibres, Inc. (the “Debtor”), hereby objects, pursuant to Federal Rule of Bankruptcy Procedure 3007 and Local Rule 3007-1, to the proof of claim filed by BE Capital Management Fund LP¹ (“Creditor”) in the amount of \$20,556.15² and identified as Claim No. 158 on the Claims Register (“Claim 158”). In support thereof, the Trustee respectfully states as follows:

1. On January 29, 2016 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code, and on that date, the United States Trustee appointed Joseph M. DiOrio to act as the Chapter 7 trustee.
2. The matter set forth herein constitutes core proceedings, pursuant to 28 U.S.C. § 157(b)(2)(B).
3. On May 25, 2016, the Creditor filed a general unsecured claim acquired from Electric Supply & Equipment, which purports to be for goods sold and delivered to the Debtor in the amount of \$10,433.65.

¹ BE Capital Management Fund LP is listed as the “Assignee of Worldwide Logistics Ltd.” on many of the claims filed by BE Capital Management Fund LP.

² The claim was filed and appears on this Court’s Claims Registry in the amount of \$20,556.15; however, the proof of claim attached to Claim 158 is in the amount of \$10,433.65.

4. This is an identical claim to Claim 153 also filed by BE Capital Management Fund on behalf of Electric Supply & Equipment. A copy of Claim 153 is attached hereto for ease of reference as Exhibit A.

5. Claim 158 is identical to 153 and thus, duplicative.

6. As a result, the Trustee objects to Claim 158 in its entirety.

7. The Trustee reserves the right to assert other defenses to Claim 158.

WHEREFORE, the Trustee OBJECTS to Claim 158 and requests that Claim 158 be disallowed.

Respectfully submitted,
JOSEPH M. DIORIO, Chapter 7 Trustee of
Microfibres, Inc.
By his Attorneys,

/s/ Kristen F. Cuddy
Joseph M. DiOrio, Esq. (#2616)
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Date: March 27, 2018

NOTICE

WITHIN FOURTEEN (14) DAYS IF SERVED ELECTRONICALLY, AS EVIDENCED BY THE CERTIFICATION, AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO FED. R. BANKR. P. 9006 IF YOU WERE SERVED BY MAIL OR OTHER EXCEPTED MEANS SPECIFIED, ANY PARTY AGAINST WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE ACTION WHO OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE BANKRUPTCY COURT CLERK'S OFFICE, 380 WESTMINSTER STREET, 6TH FLOOR, PROVIDENCE, RI 02903, (401) 626-3100. IF NO OBJECTION OR OTHER RESPONSE IS TIMELY FILED WITHIN THE TIME ALLOWED HEREIN, THE PAPER WILL BE DEEMED UNOPPOSED AND WILL BE GRANTED UNLESS: (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS

AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. IF YOU TIMELY FILE SUCH A RESPONSE, YOU WILL BE GIVEN THIRTY (30) DAYS NOTICE OF THE HEARING DATE FOR THIS OBJECTION.

CERTIFICATE OF SERVICE

I hereby certify that on **March 27, 2018**, I electronically filed the foregoing document in the above-captioned matter with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF system. CM/ECF participants will receive notice electronically.

The following participants received notice electronically:

Gary L. Donahue, Esq.	Bruce W. Gladstone, Esq.	Lauren E. Jones, Esq.
Jennifer V. Doran, Esq.	Jeffrey K. Techentin, Esq.	Peter J. Furness, Esq.
Paul F. O'Donnell, Esq.	Kyle Zambarano, Esq.	Lisa M. Kresge, Esq.
Elizabeth A. Lonardo, Esq.	Kristen Forbes Cuddy, Esq.	Joseph M. DiOrio, Esq.
Scott D. Fink, Esq.	Richard L. Gemma, Esq.	Donald G. Frankel, Esq.
Lawrence L. Goldberg, Esq.	Marc B. Gursky, Esq.	Christopher Lefebvre, Esq.
M. Vance McCrary, Esq.	Mary E. Olsen, Esq.	Gardner H. Palmer, Jr., Esq.
William Walt Pettit, Esq.	Evan P. Shanley, Esq.	Matthew J. McGowan, Esq.
Thomas S. Hemmendinger, Esq.	Sandra Nicholls, Esq.	Theodore Orson, Esq.
Armando Batastini, Esq.	Alden C. Harrington, Esq.	Brian J. Hughes, Esq.
Lynda L. Laing, Esq.	Michael J. Polak, Esq.	John F. Welsh, Esq.
Martha J. Zackin, Esq.		

I further certify that on **March 27, 2018**, I mailed by regular mail, postage pre-paid and emailed the document to the following non CM/ECF participants:

B.E. Capital Management Fund LP
228 Park Ave S #63787
New York, New York 10003-1502
Email: thomas@beclaims.com

/s/ Kristen F. Cuddy